

**IN THE UNITED STATES
DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA**

**UNITED STATES OF
AMERICA,**

V.

**LAURA PHILLIPS,
DEFENDANT.**

CASE NUMBER

2:06-CR-23-WHA

**MOTION FOR COURT-ORDERED
MENTAL EXAMINATION OF
DEFENDANT**

COMES NOW counsel for the Defendant and moves this Honorable Court pursuant to *Rule 12.2(c), Federal Rules of Criminal Procedure*, to order a mental examination of the defendant to be conducted at such time or times as the Court may direct, by a qualified mental health professional by stating the following:

1. As attorney for the defendant, I question the defendant's intellectual ability with respect to her level of reading, writing, comprehension and ability to understand the consequences of a document driven application process. Counsel believes that it is essential that a mental examination be conducted in advance of trial because:

- a. During several meetings with the Defendant, Defendant has exhibited a diminished mental capacity that includes illiteracy and the inability to read and comprehend materials.
- b. The Defendant appears to be without the ability to comprehend matters that will reflect on her guilt as to the indicted charge.

2. Counsel has reason to suspect the Defendant's ability to provide sufficient assistance in preparing her defense; and the mental condition of the defendant at the time of the offense. Defendant's mental condition will bear on Defendant's guilt of the indicted charges.

3. Counsel request that any examination of the Defendant focus on her ability to read and write, and to determine Defendant's intellectual standing score and any additional intelligence based scores deemed appropriate by the examiner to measure Defendant's intelligence.

WHEREFORE, THE PREMISES CONSIDERED, defense counsel prays that this Court will grant said motion and order a mental examination of the Defendant and that the prosecution of this case be stayed pending the outcome of said examination.

RESPECTFULLY SUBMITTED this the 11th day of May, 2006.

/s/ Daniel G. Hamm

DANIEL G. HAMM (HAM043)
ATTORNEY FOR THE DEFENDANT
560 S. McDONOUGH ST., STE. A
MONTGOMERY, ALABAMA 36104
TELEPHONE 334-269-0269
FAX 334-323-5666

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of this Motion For Court-Ordered Mental Examination of Defendant by electronic transmission or by placing a copy in the United States Mail with sufficient postage for first class delivery to the attorneys named below or parties if not represented by counsel.

DONE this the 11th day of May, 2006.

/s/ Daniel G. Hamm

DANIEL G. HAMM (HAM043)
ATTORNEY FOR THE DEFENDANT
560 S. McDONOUGH ST., STE. A
MONTGOMERY, ALABAMA 36104
TELEPHONE 334-269-0269
FAX 334-323-5666

Christopher A. Synder
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36101